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**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.
304

BEST AVAILABLE COPY

In Re Application Of: **Tomas Brenner, et al.**

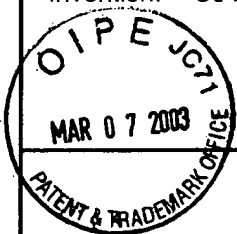
Serial No.
09/493,313

Filing Date
January 28, 2000

Examiner
Unassigned

Group Art Unit
Unassigned

Invention: **OPTICAL DEVICE HAVING DYNAMIC CHANNEL EQUALIZATION**



ASSISTANT COMMISSIONER FOR PATENTS

Attention: Office of Petitions

Box DAC

Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

03/17/2003 HBERHE 00000110 500308 09493313
1300.00 OP

1. ☒ A proposed reply to the above-identified notice or action FC:1453

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: _____

2. ☐ The issue fee:

03/17/2003 HBERHE 00000109 500308 09493313
01 FC:1453 1300.00 OP

☐ is enclosed. ☐ was paid on _____

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OFFICE OF PETITIONS

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Calculation and Payment of Fees

Enclosed are the following fees:

- | | |
|--|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$1,300.00</u> |
| 7. <input type="checkbox"/> Fee for amendment in the amount of: | <u> </u> |
| 8. <input checked="" type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u>\$1,450.00</u> |
| 9. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 12. <input checked="" type="checkbox"/> <u>Application Filing Fee and Missing Parts Surcharge</u> | <u>\$964.00</u> |
| Total fees enclosed: | <u>\$3,714.00</u> |

The fee of **\$3,714** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed. **(\$3,570.00)**
 - ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-0308**
- A duplicate copy of this sheet is enclosed.

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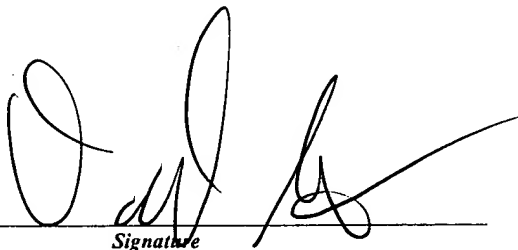
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Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.



Signature

Dated: **March 7, 2003**

**David L. Soltz, Reg. No. 34,731
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Linthicum, Maryland 21090
(410) 865-8500
(410) 865-8001 (fax)**

CC: